REGISTERED No. K. 107.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. IX] Trivandrum, Friday, 7th February 1964 / 18th Magha 1885 [No. 18

L. A. Bill No. 6 of 1964.

NOTIFICATION

No. 756|LA.4|64.

Dated, Trivandrum, 7th February 1964.

The following Bill together with the Statement of Objects and Reasons, is published, as ordered by the Speaker under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Legislature Secretariat,
Trivandrum.

D. TIRUMALAI,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1964.

L. A. Bill No. 6 of 1964.

THE TRIVANDRUM CITY MUNICIPAL (AMENDMENT) BILL, 1964

A BILL

to provide for the extension of the term of office of the Mayor and other Councillors and Chairmen of Standing Committees of the Corporation of Trivandrum.

Preamble.—WHEREAS it is expedient to provide for the extension of the term of office of the Mayor and other Councillors and Chairmen of Standing Committees of the Corporation of Trivandrum;

BE it enacted in the Fifteenth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Trivandrum City Municipal (Amendment) Act, 1964.

2. **Extension of the term of office of the Mayor, Councillors, etc., of the Corporation of Trivandrum.**—Notwithstanding anything contained in the Trivandrum City Municipal Act (Travancore Act IV of 1116), hereinafter referred to as the principal Act, the term of office of the Mayor and other councillors and the chairmen of standing committees of the Corporation of Trivandrum constituted under the principal Act, shall extend upto noon on the 1st day of July, 1964.

3. **Trivandrum City Municipal Act to be modified temporarily.**—The provisions of the principal Act shall have effect subject to the following modifications, namely:—

(a) the Government shall cause elections to be held and appointments to be made to the Council so that the newly elected and appointed councillors may come into office on the 1st day of July, 1964;

(b) no election of the Mayor or chairman of a standing committee shall be held, as required by

section 29 of the principal Act at the first meeting of the council or such committee, as the case may be, held after the 1st day of January, 1964;

(c) the election of the Mayor and the chairman of each of the standing committees shall be held at the first meeting of the Council or the standing Committee, as the case may be, held after the 1st day of July, 1964.

4. **Amendment of section 5, Act IV of 1116.**—In section 5 of the principal Act for the proviso to clause (a) of sub-section (1), the following proviso shall be substituted, namely:—

"Provided that such number shall not be less than forty or more than fifty.".

5. **Division of the City of Trivandrum into new territorial divisions.**—As soon as may be after the commencement of this Act, the city of Trivandrum shall be divided into new territorial divisions for the purposes of the election of councillors. The division shall be made in accordance with the provisions of the principal Act and such division shall take effect from the date of the ordinary elections held next after the commencement of this Act.

6. **Repeal and saving.**—(1) The Trivandrum City Municipal (Amendment) Ordinance, 1963 (Ordinance No. 2 of 1963) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 30th day of December, 1963.

STATEMENT OF OBJECTS AND REASONS

The term of office of the existing council of the Corporation of Trivandrum was due to expire at noon on 1-1-1964. The Calicut City Municipal (Amendment) Bill, 1963 which has been introduced in the Legislative Assembly for the purpose of extending the provisions of the Calicut City Municipal Act to the Trivandrum City has not been passed by the Legislative Assembly. Since the re-delimitation of the Trivandrum City and the conduct of elections could not wait till the passing of the Calicut City Municipal (Amendment) Bill, 1963 into law, it became necessary to extend the term of office of the Trivandrum Corporation Council. Since the Legislative Assembly was not in session and the term of office of the Council had to be extended before the 1st January, 1964 an Ordinance called the Trivandrum City Municipal (Amendment) Ordinance, 1963 was promulgated by the Governor on 30-12-1963. The Ordinance provides for the extension of the term of office of the Mayor, other councillors and chairmen of the Standing Committees of the Corporation of Trivandrum upto noon on the 1st day of July, 1964. Provisions for increasing the number of members of the council to fifty and for re-delimiting the city have also been included.

The Bill seeks to replace the Ordinance by an Act of the Legislature.

K. A. DAMODARA MENON

REGISTERED No. K. 107

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. IX.] Trivandrum, Friday, 7th February 1964 / 18th Magha 1885 [No. 17

GOVERNMENT OF KERALA

Revenue (G) Department

NOTIFICATION

G. O. (MS) 110/64/RD. *Dated, Trivandrum, 7th February* 1964.

By virtue of the powers conferred by sections 14 and 26 of the Travancore Abkari Act IV of 1073 as subsequently amended and all other powers vested in the Government in this behalf, the Government of Kerala hereby make the following amendment to the Notice of the sale of the privilege of vending toddy, arrack and foreign liquor including coconut toddy arrack coloured, flavoured and bottled and issued under the name cocobrandy in independent retail shops published in Part I of the Kerala Gazette extraordinary No. 14 dated 1st February, 1964 and in Part I of the Gazette dated 4th February, 1964, namely:—

AMENDMENT

In the said notice, in item 1, for the entry "14-2-1964" under the heading "Date of auction" the following shall be subsituted, namely:—

"19-2-1964"

ഭേദഗതി പരസ്യം

1073-ലെ 4-ാം ആക്ടായ തിരുവിതാംകൂർ അബ്കാരി ആക്ടിന്റെ 14, 26 എന്നീ വകുപ്പുകൾപ്രകാരവും ഇതു സംബന്ധമായി സിദ്ധിച്ചിട്ടുള്ള മറ്റു സകല അധികാരങ്ങൾപ്രകാരവും 1-2-64-ലെ അസാധാരണ ഗസറ്റിലും

പിന്നീട് പ്രസിദ്ധീകരിച്ചിട്ടുള്ള 4–2–64 ലെ ഗസററിലും പ്രസിദ്ധപ്പെടുത്തിയിട്ടുള്ള 1964–65-ാം മാണ്ടിലെ കള്ള്, ചാരായം, നിറം പിടിപ്പിച്ചിട്ടുള്ളതും കുപ്പിയിൽ അടക്കം ചെയ്തിട്ടുള്ളതും കൊക്കോബ്രാണ്ടി എന്ന പേരിൽ നൽകപ്പെടുന്നതുമായ തെങ്ങിൻകള്ളിൽ ചാരായം ഉൾപ്പെടെ വിദേശമദ്യം, ഇവ വില്ക്കുന്നതു സംബന്ധിച്ച പരസ്യത്തിൽ കേരളാ ഗവണ്മെൻറ് താഴെ കാണുന്ന ഭേദഗതി ഇതിനാൽ വരുത്തുന്നു:

അതായത്.—

മേല്പറഞ്ഞ പരസ്യത്തിൽ കൊല്ലം താലൂക്കിലെ ലേലത്തീയതിയായ “1964 ഫെബ്രുവരിമാസം 14” എന്നു കാണുന്നതിനുപകരം താഴെ കാണുന്ന തീയതി ചേർക്കണം; അതായത്,—

“1964 ഫെബ്രുവരി 19”

By order of the Governor,

K. M. PETER,
Joint Secretary.

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TRIVANDRUM, 1964.

REGISTERED No. K. 107.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. IX] Trivandrum, Friday, 7th February 1964 / 18th Magha 1885 [No. 19

L. A. Bill No. 7 of 1964.

NOTIFICATION

No. 769|LA.7|64.

Dated, Trivandrum, 7th February 1964.

The following Bill together with the Statement of Objects and Reasons, is published, as ordered by the Speaker under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Legislature Secretariat,
Trivandrum.

D. TIRUMALAI,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS
TRIVANDRUM, 1964.

L. A. Bill No. 7 of 1964

THE MADRAS COMMERCIAL CROPS MARKETS (AMENDMENT AND VALIDATION) BILL, 1964.

A

BILL

to amend the Madras Commercial Crops Markets Act, 1933, *in its application to the Malabar district referred to in sub-section* (2) *of section* 5 *of the States Reorganisation Act,* 1956 *and to validate the levy and collection of cess under that Act.*

Preamble.—WHEREAS it is necessary to amend the Madras Commercial Crops Markets Act, 1933, in its application to the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 and to validate the levy and collection of cess under that Act;

BE it enacted in the Fifteenth Year of the Republic of India as follows:—

1. **Short title and Commencement.**—(1) This Act may be called the Madras Commercial Crops Markets (Amendment and Validation) Act, 1964.

(2) Section 2 shall be deemed to have come into force on the 1st day of November, 1956 and the remaining provisions of this Act shall come into force at once.

2. **Substitution of new section for section 11.**—For section 11 of the Madras Commercial Crops Markets Act, 1933 (Madras Act XX of 1933), hereinafter referred to as the principal Act, the following section shall be substituted, namely:—

"11. **Levy of Fees by Market Committees.**—(1) The Market Committee shall, subject to such rules as may be made in this behalf, levy fees on the notified commercial crops mentioned in column (1) of the

table below bought and sold in the notified area at the rates specified against them in column (2) of that table.

TABLE

Name of Commercial Crop (1)	Rates (2)	
	Rs. nP.	
1. Arecanut	0.33	For every quintal of cured arecanut or part thereof.
2. Coconut and its products	0.13	For every 1000 coconuts or part thereof.
	0.16	For every quintal of by-products (Copra or dessicated coconuts) or part thereof.

Explanation.—For the purposes of this section, all notified commercial crops leaving a notified area shall, unless the contrary is proved, be presumed to be bought and sold within such area.

(2) The fees referred to in sub-section (1) shall be paid by the purchaser of the commercial crops concerned:

Provided that where the purchaser of a commercial crop cannot be identified, the fee shall be paid by the seller.

(3) Out of the fees levied under sub-section (1) on the commercial crop or crops bought and sold in any part of the notified area which constitutes a village as defined in the law for the time being in force for the constitution of Panchayats, such proportion as may be prescribed shall be paid by the Market Committee to the Panchayat concerned.".

3. **Amendment of section 15.**—In section 15 of the principal Act, in sub-section (1), the words "or cess" shall be omitted.

4. **Amendment of section 17.**—Section 17 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Any person removing or attempting to remove any commercial crop from any notified area

before the fee payable under sub-section (1) of section 11 has been paid therefor and a receipt obtained in respect of such payment, or practising any device in order to evade or to facilitate the evasion of the payment of the said fee, or evading the payment of the said fee shall be punishable with fine which may extend to two hundred rupees.".

5. **Validation.**—(1) Notwithstanding any judgment, decree or order of any court, all cess on any commercial crop levied or collected or purported to have been levied or collected under section 11 of the principal Act by the Market Committee constituted under the principal Act for the period beginning with the 1st day of November, 1956 and ending on the 28th day of November, 1963, shall be deemed to have been levied or collected as fees under the principal Act, as amended by this Act, and accordingly,—

(a) no suit or other proceeding shall be maintained or continued in any court for the refund of any such cess paid or purported to have been paid under section 11 of the principal Act; and

(b) no court shall enforce a decree or order directing the refund of any such cess paid or purported to have been paid under section 11 of the principal Act.

6. **Amendment of section 19-A.**—In section 19-A of the principal Act, the word "cess" wherever it occurs, shall be omitted.

7. **Removal of difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may arise, by order, do anything, not inconsistent with the provisions of this Act, which appears to them necessary for the purpose of removing the difficulty.

8. **Repeal and saving.**—(1) The Madras Commercial Crops Markets (Amendment and Validation) Ordinance, 1963 (Ordinance No. 3 of 1963), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 31st day of December, 1963.

STATEMENT OF OBJECTS AND REASONS

Section 11 of the Madras Commercial Crops Markets Act, 1933 (Act XX of 1933) which is in force in the Malabar area of the State provides that the Market Committee shall, subject to such rules as may be made, levy a cess by way of sales tax on any commercial crop bought and sold in the notified area at such rates as the State Government may, by notification determine. In a recent judgment of the Kerala High Court, dated 28-11-1963 it was held that the levy of a cess by way of sales tax under section 11 of the Act was invalid. Consequent on the above decision the cess already collected by the Market Committee will have to be refunded and the Committee will not also be entitled to collect cess on any commercial crop bought and sold in notified areas. It has therefore become necessary to validate the collection of the cess from 1-11-1956 and to provide for the continued collection of fees on such crops.

There is also no provision in the Madras Commercial Crops Markets Act, 1933 to punish persons removing or attempting to remove any commercial crop from any notified area without payment of fee under section 11(1) of the Act. It was considered necessary to make provision to this effect also. Since tbe Legislative Assembly was not in session and the matter was urgent an Ordinance called the Madras Commercial Crops Markets (Amendment and Validation) Ordinance, 1963 was promulgated by the Governor on 31-12-1963 to achieve the above objects.

The Bill seeks to replace the Ordinance by an Act of the State Legislature.

E. P. POULOSE